REMARKS

Summary of Office Action

Claims 1-38 are pending in this application.

The Examiner rejected claims 1-16, 19-25, 30, 31, and 36-38 under 35 U.S.C. § 103(a) as being obvious from Garfinkle U.S. Patent No. 5,530,754 (hereinafter "Garfinkle") in view of Callais et al. U.S. Patent No. 3,790,700 (hereinafter "Callais").

Dependent claims 17 and 18 have been rejected under 35 U.S.C. § 103(a) as being obvious from Garfinkle in view of Callais and further in view of West et al. U.S. Patent No. 5,550,575 (hereinafter "West"). Dependent claims 26-29 have been rejected under 35 U.S.C. § 103(a) as being obvious from Garfinkle in view of Callais and further in view of Linnett et al. U.S. Patent No. 5,682,469 (hereinafter "Linnett"). And dependent claims 32-35 have been rejected under 35 U.S.C. § 103(a) as being obvious from Garfinkle in view of Callais and further in view of Vogel U.S. Patent No. 5,253,066 (hereinafter "Vogel").

Summary of Applicants' Reply

Applicants have amended independent claim 1 to more particularly define the invention. No new matter has been added.

Reconsideration of this application in view of the amendment and following remarks is respectfully requested.

Rejections of Claims 1-16, 19-25, 30, 31, and 36-38 Under 35 U.S.C. § 103(a)

Claims 1-16, 19-25, 30, 31, and 36-38 were rejected under 35 U.S.C. § 103(a) as being obvious from Garfinkle in view of Callais.

These rejections are respectfully traversed.

Independent claims 1, 10, 16, 19, and 36 each define a method of operating a video-on-demand service that is accessible to non-subscribers of that service. Moreover, that service will transmit/display a segment/preview of a video program to a non-subscriber, but will not transmit/display a video program to a non-subscriber.

Similarly, independent claims 7, 14, and 21 each define a video-on-demand service in which previews can be transmitted to both subscribers and non-subscribers of the service, while video programs will be transmitted to only subscribers of the service.

Garfinkle purportedly discloses a video-on-demand system in which catalog data of available video product listings, trailers, previews, etc. is "periodically transferred to the user sites, where it is stored" (Garfinkle Abstract, lines 1-2).

Garfinkle does not in any way distinguish between subscribers and non-subscribers of its video-on-demand system. In fact, the terms "subscriber" and "non-subscriber" are not even mentioned in Garfinkle.

Callais does not make up for the deficiencies of Garfinkle.

Callais purportedly discloses a "system for controlling CATV program viewing" (Callais column 3, lines 8-9). Callais' "FIG. 1 discloses a two-way CATV (cable television) system" in which a "local processing center .... allows two-way communications between the

subscribers and the headend site" (Callais column 3, line 55, to column 4, line 1; emphasis added).

Callais further describes four modes of operation:

> "In a first mode of operation, control logic enables ... a subscriber ....;"
> "In a second mode of operation, the subscriber will only ....;"
> "In a third mode of operation, the subscriber may select ....;" and
> "In a fourth mode of operation, the subscriber may select ...."

Callais column 3, lines 10-30; emphasis added.

The CATV system of Callais is thus very plainly directed to only subscribers of the system. Callais does not disclose or suggest in any way what access, if any, a non-subscriber has to its CATV system.

In contrast, applicants' video-on demand service is "accessible to subscribers and non-subscribers of said service" (*see, e.g.,* applicants' claim 1, emphasis added), and non-subscribers may view segments/previews of video programs that only subscribers may view.

More particularly, neither Garfinkle nor Callais discloses or suggests:

> "transmitting one of said segments to said viewing station when said second signal indicates a selection of said one segment by either a subscriber or a non-subscriber of said service" (independent claim 1);
>
> "a multiple processor computer that allows ... said previews to be transmitted to subscribers and non-subscribers" (independent claim 7);
>
> "displaying on said display one of said segments selected by one of said non-subscribers" (independent claim 10);
>
> "a first computer programmed to allow ... said previews to be transmitted to subscribers and non-subscribers of said service" (independent claims 14 and 21);
>
> "displaying on said display any of said segments selected from said lists by one of said non-subscribers" (independent claim 16);

"transmitting one of said segments to said viewing station when said comparing indicates that said identifier is not on said list of identifiers" (independent claim 19); and

"displaying one of said segments on said display, said segment available to said subscribers and non-subscribers" (independent claim 36).

Thus, the combination of Garfinkle and Callais does not in any way result in applicants' invention as defined in independent claims 1, 7, 10, 14, 16, 19, 21, and 36.

Furthermore, note that in Callais' second mode of operation, a subscriber is only allowed to receive a "restricted" program if that subscriber is on a "restricted list of persons authorized to receive the requested program. Restricted lists, for example, may be respectively composed of groups of doctors, groups of lawyers, or other groups of subscribers sharing a common interest" (Callais column 5, lines 60-64).

However, Callais does not disclose or suggest that subscribers not on the restricted lists can view segments or previews of any of the restricted programs.

Thus, even if Callais' subscribers on the restricted lists were arguably considered to be applicants' subscribers, and Callais' subscribers not on the restricted lists were arguably considered to be applicants' non-subscribers, the combination of Garfinkle and Callais still would not result in applicants' invention because the "non-subscribers" cannot view segments or previews of programs restricted to the "subscribers" -- unlike the non-subscribers of applicants' video-on-demand service.

Thus, independent claims 1, 7, 10, 14, 16, 19, 21, and 36 are not rendered obvious from the combination of Garfinkle and Callais.

For at least the reasons discussed above with respect to the independent claims, dependent claims 2-6, 8, 9, 11-13, 15, 20, 22-25, 30, 31, 37, and 38, which depend directly or

indirectly from the independent claims, are not obvious from the combination of Garfinkle and Callais (i.e., dependent claims are patentable if their independent claim is patentable).

Accordingly, applicants respectfully request that the rejections of claims 1-16, 19-25, 30, 31, and 36-38 under 35 U.S.C. § 103(a) be withdrawn.

Rejections of Dependent Claims 17, 18, 26-29, and 32-35 Under 35 U.S.C. § 103(a)

Dependent claims 17 and 18 were rejected under 35 U.S.C. § 103(a) as being obvious from the combination of Garfinkle, Callais, and West. Dependent claims 26-29 were rejected under 35 U.S.C. § 103(a) as being obvious from the combination of Garfinkle, Callais, and Linnett. And dependent claims 32-35 were rejected under 35 U.S.C. § 103(a) as being obvious from the combination of Garfinkle, Callais, and Vogel.

These rejections are respectfully traversed.

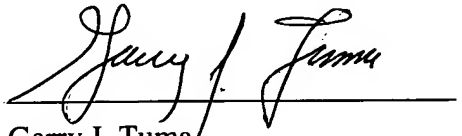
For at least the reasons discussed above with respect to independent claims 16 and 21, dependent claims 17, 18, 26-29, and 32-35, which depend directly or indirectly from one of those independent claims, are not obvious from the combination of Garfinkle, Callais, and any other cited reference (i.e., dependent claims are patentable if their independent claim is patentable).

Accordingly, applicants respectfully request that the rejections of claims 17, 18, 26-29 and 32-35 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

The foregoing demonstrates that claims 1-38 are allowable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,



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